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Fifty-second session
Agenda item 112 (*c*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.3)*]

52/140. Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling the obligation of all parties to respect international humanitarian law,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

Also recalling its resolution 51/112 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997,[5]

Noting with deep concern the human rights violations and breaches of international humanitarian law outlined in resolution 1997/59, including the aerial bombardment of civilians, slavery, slave trade, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, forced displacement of persons, systematic torture and denial of the freedoms of religion, expression, association and peaceful assembly,

Expressing serious concern about continuing reports of religious persecution, including forced conversion of Christians and animists in Government-controlled areas of the Sudan,

Welcoming the visit to the Sudan by the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief,[6]

Especially concerned about the continuing reports of the abuse of children, including slavery, sexual abuse, forced conversion and the use of children as soldiers, despite repeated calls from the international community to put an end to this practice, as described in the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan,[7]

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Gravely concerned about reports that those practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged in previous General Assembly resolutions,

Welcoming new practices regarding street children, which centre on rehabilitation and family reunification and the increasing involvement of the United Nations Children's Fund in projects with the Government of the Sudan,

Also welcoming the invitation extended by the Government of the Sudan to the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, and urging that the visit to the Sudan by the Special Rapporteur take place as soon as possible,

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[5] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[6] See A/52/477, annex and A/52/477/Add.1, annex.

[7] A/52/510, annex.

Further welcoming the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights in December 1996,

Noting the establishment by the Government of the Sudan of national committees for human rights education, and encouraging the Office of the United Nations High Commissioner for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help those committees to improve the observance of human rights in the Sudan,

Welcoming the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law, religious persecution, forced displacement and bombardments, extrajudicial killings, access for relief organizations and humanitarian law, slavery and disappearances, the rights of women, the rights of the child and freedom of expression and peaceful assembly,

Taking note of the long-overdue report by the Government of the Sudan on the summary execution of aid workers in Juba in 1992,[8] and regretting that it did not provide any evidence that a fair trial was given,

Also noting the work of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Concerned that the continuation of civil war in the Sudan has caused the internal displacement of a large number of persons, including ethnic minorities, has resulted in the indiscriminate bombing and shelling of civilian targets and has been marked by gross violations of human rights by the Government of the Sudan and by lack of respect of international humanitarian law by all parties to the conflict,

Encouraged by the joint announcement by the Government of the Sudan and the Sudanese People's Liberation Movement that they are engaged in peace talks, scheduled to resume early in 1998 under the sponsorship of the Intergovernmental Authority on Development, and the acceptance by all parties of the Declaration of Principles as the basis for negotiation,

1. *Expresses deep concern* at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions, detentions without due process, violations of the rights of women and children, forced displacement of persons, enforced or involuntary disappearances, torture and other forms of cruel and unusual punishment, slavery, practices similar to slavery and forced labour, denial of the freedoms of expression, association and peaceful assembly and discrimination based on religion;

2. *Expresses its outrage* at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

3. *Calls upon* the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights,[2]

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[8] Ibid., paras. 41-46.

the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Rights of the Child,[4] the Slavery Convention, as amended,[9] and the supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[10] to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

4. *Encourages* the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery to redouble its efforts to comply with previous General Assembly resolutions in which the Assembly urged the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to those practices;

5. *Urges* the Government of the Sudan to publicize the existence and activities of the Special Investigation Committee, to guarantee that those who provide information to it will not suffer any negative consequences as a result and to involve local authorities in its activities;

6. *Also urges* the Government of the Sudan to provide adequate security for all special rapporteurs and to live up to its pledge to provide logistical support to national, regional and international organizations that join the investigations of alleged cases of involuntary disappearance and slavery;[11]

7. *Further urges* the Government of the Sudan and all parties to the conflict to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where violations have been reported;

8. *Continues to urge* the placement of human rights monitors, within existing resources, in such locations as will facilitate improved information flow and assessment and independent verification of reports, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[12]

9. *Calls upon* parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[13] and the Additional Protocols thereto, of 1977,[14] to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary

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[9] United Nations, *Treaty Series*, vol. 212, No. 2861.

[10] Ibid., vol. 266, No. 3822.

[11] See A/52/510, para. 73.

[12] Ibid., para. 75.

[13] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[14] Ibid., vol. 1125, Nos. 17512 and 17513.

executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. *Again calls upon* the Government of the Sudan and all parties to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance;

11. *Expresses its hope* that all parties to the civil war will negotiate seriously at the peace talks sponsored by the Intergovernmental Authority on Development when they resume at Nairobi early in 1998, with the view that an end to the civil war would be an important first step towards the elimination of human rights violations in the Sudan;

12. *Urges* the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them and to ensure that such persons receive prompt, just and fair trials under internationally recognized standards;

13. *Again urges* Sudanese authorities to take all steps necessary to respect the human rights of persons belonging to the most vulnerable groups in the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;[15]

14. *Calls* for an immediate halt to the inhumane and unjustified practice of aerial bombardment of civilian targets by the Government of the Sudan;

15. *Welcomes* the promise given by the Government of the Sudan to the Special Envoy of the Secretary-General for Humanitarian Affairs in the Sudan to allow relief flights unimpeded access to people in need, and expresses its hope that such flights will now be permitted to take place without danger or obstacles;

16. *Encourages* the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and the Platform for Action adopted by the Fourth World Conference on Women;[16]

17. *Welcomes* the most recent visit by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan and his interim report on the situation of human rights in the Sudan;[7]

18. *Extends its full support* to the Special Rapporteur, and encourages him to continue to pursue a broad dialogue with the Government of the Sudan and all other parties which he deems relevant to the situation of human rights in the Sudan, with a view to addressing the concerns expressed in the relevant

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[15] A/51/490, para. 52 (*d*).

[16] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No.E.96.IV.13), resolution 1, annexes I and II.

resolutions of the General Assembly and the Commission on Human Rights, and to visit the Sudan and to travel in the Sudan, as necessary;

19. *Encourages* visits to the Sudan by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, who have both been invited by the Government of the Sudan, and requests both to report to the Commission and to the General Assembly on their findings;

20. *Welcomes* the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year;

21. *Requests* the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, within existing resources, in the discharge of his mandate;

22. *Recommends* the continued monitoring of the serious human rights situation in the Sudan, urges continuation of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-fourth session, to give urgent attention to the situation of human rights in the Sudan;

23. *Decides* to continue its consideration of this question at its fifty-third session.

70th plenary meeting
12 December 1997

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/52/644/Add.3)*]

52/141. Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1997/60 of 16 April 1997,[4]

Taking note of the concluding observations of the Human Rights Committee following the Committee's consideration of the fourth periodic report of Iraq[5] under the International Covenant on Civil and Political Rights,[2]

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991 and 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as Security Council resolutions 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

1. *Welcomes* the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[6] and the observations, conclusions and recommendations contained therein, and noting that there has been no improvement in the situation of human rights in the country;

2. *Strongly condemns*:

(*a*) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, which have resulted in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(*c*) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(*d*) Widespread, systematic torture in its most cruel forms, the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and the diversion of medical care services for such mutilations;

3. *Calls upon* the Government of Iraq:

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[4] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[5] CCPR/C/103/Add.2.

[6] A/52/476.

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[2]

(*c*) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(*d*) To restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*e*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(*f*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(*g*) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991;

(*h*) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(*i*) To put an end without delay to the enforced displacement of persons;

(*j*) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*k*) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(*l*) To ensure equitable distribution, without discrimination, to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolutions 986 (1995), 1111 (1997) and 1129 (1997) and the memorandum of understanding on this issue concluded with the Secretary-General in May 1996, and to cooperate with international humanitarian agencies for the provision, without discrimination, of relief to those in need throughout Iraq;

(*m*) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

(*n*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995) and 1111 (1997) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

5. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

70th plenary meeting
12 December 1997